

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TREVOR D'ANDRADE, on behalf of
himself and all others similarly situated,

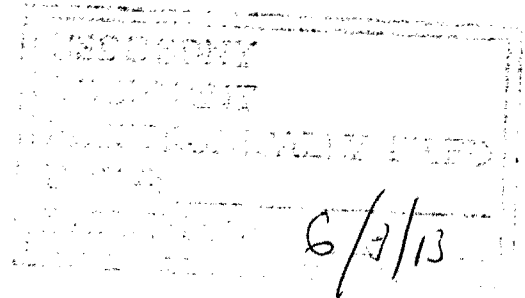
CASE NO: 11-cv-1800-~~XX~~(MHD) *u*

Plaintiff,

v.

WELLS FARGO BANK, N.A.

Defendant.
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W ~~PROPOSED~~ **ORDER PRELIMINARILY APPROVING CLASS ACTION
SETTLEMENT, CONDITIONALLY CERTIFYING SETTLEMENT CLASS, AND
PROVIDING FOR NOTICE**

WHEREAS, the above-captioned matter (the "Lawsuit") is currently pending before this court;

WHEREAS, Plaintiffs have made an application, pursuant to Fed. R. Civ. P. 23(e), for an order preliminarily approving the settlement of the claims alleged in the Lawsuit, in accordance with a Joint Stipulation of Settlement and Release ("Settlement"), executed on or about April 2, 2013, which, together with the exhibits annexed thereto, sets forth the terms and conditions for a proposed settlement of the Lawsuit against Defendant and for dismissal of the Lawsuit against Defendant with prejudice upon the terms and conditions set forth therein, and the Court has read and considered the Settlement and the exhibits thereto; and

WHEREAS, all terms contained and not otherwise defined herein shall have the same meanings set forth in the Settlement.

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Court hereby preliminarily approves the Settlement as being fair, just, reasonable and in the best interests of the Settlement Class as described in paragraph 5 of the Settlement (hereinafter the "Class").

2. The Court hereby conditionally certifies the state law claims of the Class members pursuant to Fed. R. Civ. P. 23, solely for the purposes of settlement, subject to the entry of a final order and judgment as provided in the Settlement.

3. The Court hereby preliminarily certifies Joseph & Kirschenbaum LLP as Class Counsel and the Named Plaintiff as the Class Representative as described in the Settlement, subject to the entry of a final order and judgment as provided in the Settlement.

4. The Court approves, as to form and content, the Class Notice (Exhibit A to the Settlement) and finds that the mailing and distribution of the Class Notice substantially in the manner and form set forth in the Settlement constitutes the best notice practicable under the circumstances, and constitutes valid, due and sufficient notice to all persons in the Class, complying fully with the requirement of Rule 23 of the Federal Rules of Civil Procedure, the Constitution of the United States and any other applicable laws.

5. Within Fifteen (15) calendar days after the Court enters this Order preliminarily approving the Settlement, Defendant will provide the Claims Administrator and Class Counsel with the following information about each Settlement Class Member: (1) name, (2) last known home address, (3) date first employed as an HMC, and (4) date last employed as an HMC.

6. Within Fifteen (15) calendar days after the Court enters this Order preliminarily approving the Settlement, Defendant will provide the Claims Administrator with the social security numbers for Settlement Class Members.

7. Within Thirty (30) calendar days after the Court enters this Order preliminarily approving the Settlement, the Claims Administrator will mail the Class Notice to the Settlement Class Members at their last known addresses as they are maintained by the Defendant.

8. Class members shall have Sixty (60) days to object and/or opt-out of the Settlement. This deadline shall be calculated as Ninety (90) calendar days from the date the Court enters this Order preliminarily approving the Settlement.

9. The final approval and fairness hearing ("Fairness Hearing") shall be held before this Court on October 18, 2013 ~~at least 120 days after the entry of this Order~~¹ at 10:00 am ~~time~~ at the United States District Court, Southern District of New York, U.S. Courthouse, 40 Foley Square, New York, New York 10007, to determine whether the proposed settlement of the Lawsuit on the terms and conditions provided for in the Settlement is fair, just, reasonable, adequate and in the best interests of the Class, and should be approved by the Court; whether an Order and final judgment of dismissal, as provided in the Settlement, should be entered; to consider Plaintiff's application for an incentive award for the class representative, to determine the amount of attorneys' fees and costs that should be awarded Class Counsel, and to consider Plaintiff's application for an award of Settlement Administration costs for the Claims Administrator.


10. The Court reserves the right to adjourn the date of the Fairness Hearing without further notice to the Class Members. Notice of any adjournment can be obtained from Class Counsel: Michael D. Palmer or Matthew Kadushin, JOSEPH, & KIRSCHENBAUM LLP, 233 Broadway, 5th Floor, New York, NY 10279; Tel: (212) 688-5640; Fax: (212) 688-2548.

11. On or before the date that is Seven (7) days before the Fairness Hearing, Class Counsel shall move the Court for final approval of the Settlement and submit a memorandum of law

¹ Plaintiff's counsel is unavailable the last two weeks of August 2013.

in support of an application for an incentive award for the Class Representative, Class Counsel's attorneys' fees and costs, and the Claims Administrator's costs. On or before the date that is Seven (7) days before the Fairness Hearing, Class Counsel shall also provide the Court with a declaration of due diligence and proof of mailing of the Class Notice by the Claims Administrator and notify the Court how many class members have opted-out and/or objected to the Settlement.

Dated: May 31, 2013


~~HONORABLE RONNIE ABRAMS~~ MICHAEL H. DOLINGER
U.S. DISTRICT JUDGE
MAGISTRATE